

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEMARK, INC.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 2:16-cv-00543-JRG/RSP
	§	
MASABI LTD.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

**NOTICE OF INVALIDITY CHALLENGE OF
ASSERTED PATENTS IN ANOTHER LAWSUIT**

Defendant Masabi LTD hereby notifies the Court that the validity of U.S. Patent Nos. 8,494,967 and 9,239,993 (the Asserted Patents in this suit) is being challenged in another lawsuit before Judge Paul Gardephe in the Southern District of New York. (1:17-cv-01803-PGG). In particular, the Defendants in that case, Conduent et al., have filed a Rule 12 Motion to Dismiss (DN 51), which has been fully briefed, on the basis that the asserted patents are directed to non-statutory subject matter under 35 U.S.C. § 101. Oral arguments are requested to be held on January 8, 2018 (DN 56).

This development is relevant to Defendant Masabi's Motions For Summary Judgment Of Invalidity of the '967 and '993 asserted patents in this suit.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that all known counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per E. Dist. Tex. Loc. Ct. R. CV-5(a)(3) on this the 15th day of December, 2017. Any other known counsel of record will be served with a copy of this document by email and/or facsimile transmission.

By: /s/ Douglas P. LaLone
Douglas P. LaLone